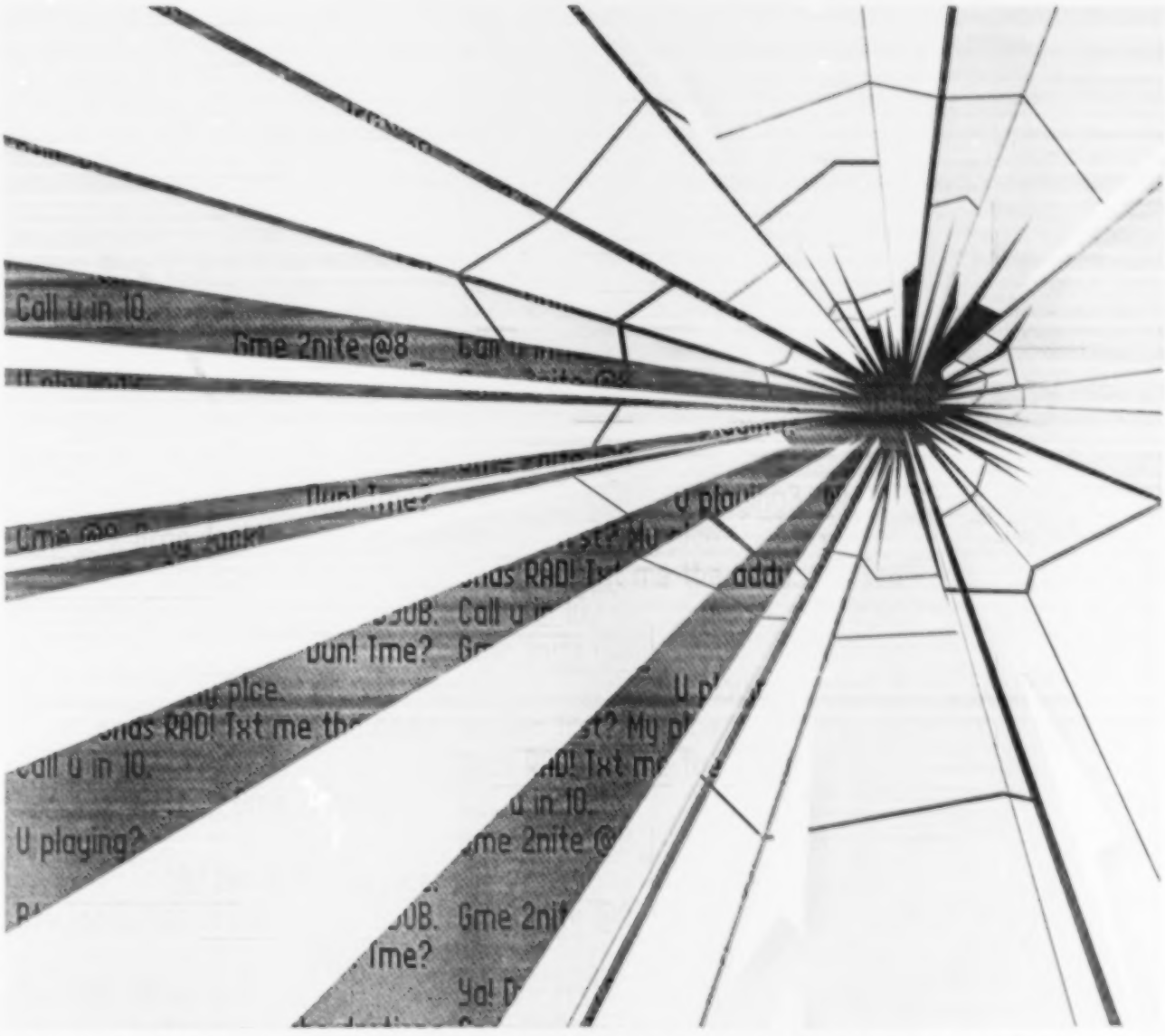
OCCUPATIONAL

HEALTH & SAFETY

JANUARY 2010



MESSAGING TECHNOLOGY CAN BE A HAZARD BEHIND THE WHEEL

Also inside: Don't Short-Change Retail Worker Safety

EMPLOYMENT.ALBERTA.CA/WHS-OHSMAG

JUST DRIVE, PLEASE

by Paul Hilferty

Whose fault is it anyway?

Last October, Calgary had its first snowfall of the season. In the first two days, over 600 vehicle collisions occurred in the city. It was not a new event. In fact, it happens every year, without fail. For some drivers the collisions are the start of the blame game—whose fault is it anyway? A local radio station even commissioned a survey to answer this question. The results were revealing: all these collisions were blamed on everything from the city for the road conditions to winter for the snow!

Driving to work on both those days, I observed many drivers distracted by frothy lattes, breakfast burritos, cellphones, texting, books and a whole myriad of other totally inappropriate tasks. Let's face it: drivers who are focused on preventing a collision by monitoring road conditions and matching their driving to the conditions and to the actions of other drivers are the least likely to be involved in collisions.

The facts

Alberta averages around 400 fatalities and 27,000 injuries in over 100,000 vehicle collisions every year.[1]

The cost to our society is enormous—in deaths and injuries, health care costs and loss of earnings. In total, the direct societal cost of vehicle collisions to Albertans is estimated at $4.8 billion or 2.4 per cent of Alberta's gross domestic product.[2]

According to the Workers' Compensation Board-Alberta,[3] the largest single cause of work-related deaths (28 per cent) is vehicle collisions.

Driver distraction, including the use of cellphones and other electronic devices, is believed to be responsible for over 80 per cent of collisions.[4] Why do we still call them "accidents"?

A paradigm change

The simple fact is that if you are driving without paying attention and have a collision, it isn't an accident. The first step we need is to change the paradigm around accidents—they are preventable. Stuff doesn't just happen. We need to stop referring to vehicle collisions as accidents and finally admit that in almost every case, the drivers involved were at fault.

The honest answer is simple: drivers cause collisions and distracted drivers are the worst offenders. If we are to get to the root of the problem, we need to address driver attitude and behaviour. Quite simply, to drive a two-ton vehicle on the highway at speeds in excess of 100 km/h while distracted by some mundane task is insane.

Get them young

Targeting our new drivers may be one way to start the paradigm shift we need. Our high school generation, the most electronically affected ever, is learning to drive. These young people think nothing of texting each other across the same room, so why not while driving?

Over the summer of 2009, ConocoPhillips Canada supported Dr. Louis Francescutti and some of his medical students at the University of Alberta in a project to educate and influence young drivers about the dangers of distracted driving. The program is called "Students for Cellphone-Free Driving." Two medical students, Chantelle Champagne and Victoria Lee, went into summer schools to deliver a very strong message on the dangers of cellphones and texting while driving. They have presented to over 800 teens and the message has been very well received. In the presentation evaluations, 73 per cent of students said they would not use a cellphone while driving in the future.

So we have made a start, but we need to do a lot more, and you can help. Become part of the solution: spread the word, and influence your family and friends. All we are asking is when you get in your vehicle, just drive—please.

Paul Hilferty, Eur. Ing. M.Sc.(Eng.) C.Eng., CQP, CRSP, is the general manager in health and safety in technology for ConocoPhillips, Canada.

Students for Cellphone-Free Driving can be contacted through its website: www.cellphonefreedriving.ca

[1] Alberta Motor Association, December 2007.

[2] Alberta Traffic Safety Progress Report, AMA, September 2004.

[3] Extracted from WCB data.

[4] National Highway Traffic Safety Administration, *Breakthrough Research on Real-World Driver Behavior*, U.S. Department of Transportation, 2006.

If you're interested in sharing opinions or comments about workplace health and safety issues, please contact the magazine's editor through the WHS Contact Centre, 1-866-415-8690 (or 780-415-8690, if you are in the Edmonton area), or e-mail whs@gov.ab.ca.

OCCUPATIONAL
HEALTH & SAFETY

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Lee Craig Editor

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Membership on the *Occupational Health & Safety* magazine advisory board is open to any resident of Alberta with knowledge and experience in health and safety, and an interest in communicating health and safety information to the public. Anyone who is interested in joining the board should submit a letter of application to the managing editor of the magazine. The board meets three times a year in Edmonton. Board members do not receive remuneration or reimbursement for expenses related to meetings. See "Contacting the editor," below.

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Contacting the editor. We welcome responses to articles or information published in this magazine, as well as suggestions for future articles. You can reach the editor through the Workplace Health & Safety Contact Centre. Phone 1-866-415-8690 or e-mail whs@gov.ab.ca.

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Scott Shpeley, Monice Peter, Richard Lee Hsi and Ava Jane Markus, the performers in WORK PLAYS. Photo by Lisa Hall

WORK PLAYS

A DRAMATIC APPROACH TO SAVING YOUNG LIVES

by Anita Jenkins

On the afternoon of October 19, 2009, about 160 students at Edmonton's Ross Sheppard High School filed into one of the drama department's theatres to see a performance called WORK PLAYS. In the 45-minute production, four young professional actors (Richard Lee Hsi, Ava Jane Markus, Monice Peter and Scott Shpeley) efficiently and entertainingly informed the audience about a surprisingly large number of issues and concerns related to workplace health and safety.

The play has really struck a chord with young people, who are particularly vulnerable in the workplace. "It would have been easy to do one tour and move on to something else," says Kevin Flaherty from the Alberta Workers' Health Centre, "but the project was too good to drop. Promoting workplace health and safety through theatre sounds frivolous, but it really works. It is a different and effective way to reach out to young workers."

In a typical year, nine young workers die while at work; another 7250 young workers suffer lost-time claim injuries. Workers younger than 25 represent 17 per cent of the workforce, but they account for more than 21 per cent of disabling injury claims.

> **"The play really shakes things up. It encourages students to think critically about their work environment instead of saying 'Well, I guess that's just the way it is.'"**

The play is sponsored by the non-profit Alberta Workers' Health Centre, with funding from the Alberta Law Foundation, labour groups, business organizations and individuals. WORK PLAYS has been seen by approximately 50,000 students in rural and urban schools

across Alberta. And the number of requests continues to increase. After one school books WORK PLAYS, which is presented free of charge, word-of-mouth recommendations lead to more requests, says Jared Matsunaga-Turnbull, program coordinator and director of the play.

WORK PLAYS uses humour, music and dance moves to give its information. Most importantly, the play shows the emotional connections to a young person's need to earn money, learn skills and feel successful at work. The play tells a story of four young people who land jobs at a welding shop, a coffee outlet and a movie theatre concession stand.

At the welding shop, the character Jody finds out about personal protective equipment and air quality. Simone and Carmela realize that their co-workers have often been burned by hot machines and liquids at the coffee shop and concession stand. They also learn that slips and falls are a constant hazard. As well, the two young women have to cope with debilitating stress of various kinds. A timer reminds the coffee barista (Simone) to mop the floor every 10 minutes, regardless of what else is going on. She worries that every customer could be a secret shopper who might report that she was not upbeat enough. A co-worker's "rating sheet" posted on a bulletin board turns Carmela into a sex object and causes her great distress.

Being employed offers each character financial rewards, enhanced self-esteem and opportunities to grow. But they also have to face some harsh realities about earning a living, including the many dangers inherent in workplaces such as theirs.

The WORK PLAYS program teaches the students about their right to refuse to work in an unsafe environment, steps they might take if they are concerned about safety or other types of problematic working conditions, and various laws and labour standards that are designed to protect workers and keep them safe.

At the October 19 performance, after the applause, the actors and director ask the students to share their experiences. One student talks about having stitches in his leg after a crate of pop bottles fell on him. Another admits that he and co-workers "played around with nail guns," thankfully without incident. Matsunaga-Turnbull notes afterwards that their audience members frequently say things like, "That's what happened to me," or "That happened to my dad."

The WORK PLAYS script was written by Jane Heather, who teaches drama at the University of Alberta and who, as Matsunaga-Turnbull puts it, "has a big history of social action theatre and working with teenagers and labour groups."

"Kevin Flaherty and I got talking about educational outreach to kids," says Heather. "We worked with Don Bouzek, a producer with Ground Zero Theatre in Edmonton, to create the version we piloted in 2003 and took on tour in 2004."

The play has not changed much over the years, Heather notes, although some minor modifications have been required to reflect the ups and downs of the economy. "It's different when young people can no longer just go across the street and get another job," she says.

The response has been extremely positive, even though the play presents some controversial workplace issues, addresses sexual harassment on the job and occasionally—as appropriate—uses the language you are likely to hear in the hard-hat work world. "It works because it's totally contextualized and not gratuitous," Matsunaga-Turnbull says.

"The students feel they have allies right there—in the young actors they see representing workers like themselves," he observes. "They feel they are not alone, and there's a good chance that what they've heard will stick with them. The play really shakes things up. It encourages students to think critically about their work environment instead of saying 'Well, I guess that's just the way it is.'"

Anita Jenkins is a freelance writer and editor in Edmonton. She was the editor of OH&S *magazine from 2003 until 2007.*

QUICK FACTS

From the Alberta Workers' Health Centre website: Workers under the age of 25 are disproportionately more likely to be injured on the job than are the rest of the population. Of those workers under 25 who are injured in this province, 50 per cent were injured during their first six months on the job. Young workers are often less informed about their rights and are more likely to be exploited financially or harassed by their employers.

RESOURCES

WEB LINKS

alis.alberta.ca/pdf/cshop/xtremesafety.pdf
X-treme Safety: A Survival Guide for New and Young Workers, Occupational Health and Safety

www.bloodylucky.ca
Website for young workers from the Government of Alberta

www.workershealthcentre.ca
Website for the Alberta Workers' Health Centre

IN THE ALBERTA GOVERNMENT LIBRARY – LABOUR BUILDING

(For contact information, see page 8.)

DVD

YOUNG AND NEW WORKERS: THEY ARE WORTH YOUR ATTENTION (DVD 031)
Young and new workers need special attention because they are more at risk of injury than their older and more experienced counterparts. Starting a new job can be risky for workers of any age. This program profiles young and new worker programs at 13 B.C. companies.

GUIDE HELPS WITH QUESTIONS RELATED TO PANDEMIC

If you have workplace health and safety questions related to pandemic, please use and refer people to the document *Best Practice Guideline for Workplace Health and Safety During Pandemic Influenza*. Answers to most questions can be found there.

The website is employment.alberta.ca/documents/WHS/WHS-PUB_bp002.pdf.

NAOSH WEEK IN MAY

Look for North American Occupational Safety and Health Week once again in May. It will be May 2 to 8, 2010.

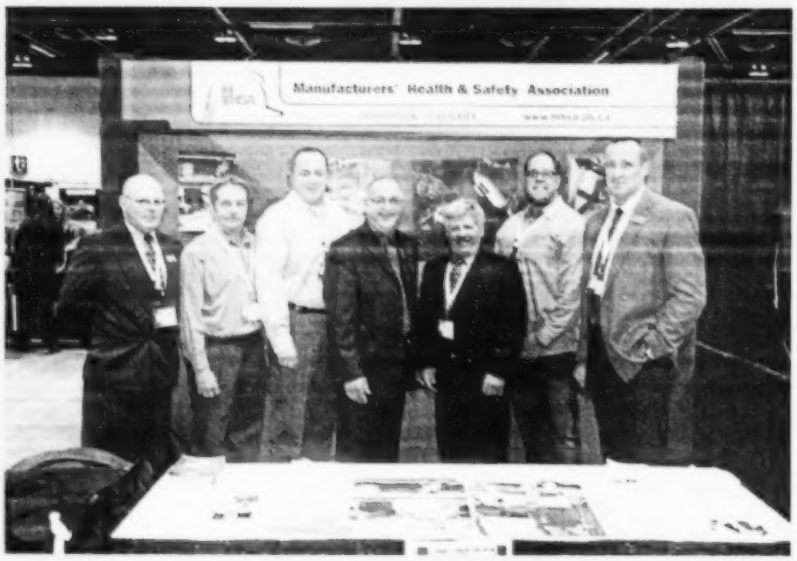
The goal is to focus employers, employees, partners and the public on the importance of preventing injury and illness in the workplace, at home and in the community (see www.naosh.ca).

North American Occupational Safety and Health Week

ALBERTA HEALTH AND SAFETY CONFERENCE AND TRADE FAIR, OCTOBER 2009, CALGARY

In photo, from left to right: Ed Reid, Brad Jones, Lorne Kleppe, Hector Goudreau (the Minister of Employment and Immigration), Guy Clyne, Jim Garrick and Gordon Walsh. Everyone but the minister is from the Manufacturers' Health and Safety Association.

Over 30 educational sessions were offered in a variety of topics relating to health and safety in Alberta; over three days, 850 people attended.



NATIONAL FORUM EXPLORES LEADERSHIP IN CREATING HEALTHY WORKPLACES

Health and safety professionals, government representatives and others will gather March 8 and 9, 2010, in Gatineau, Quebec, to share their collective knowledge and experience around the role of leadership in creating healthy, safe workplaces. This national event, Forum III: Leading Workplace Change, is hosted by the Canadian Centre for Occupational Health and Safety. It intends to provide an opportunity for participants to explore and better understand how leadership in the workplace—at any level—can affect the health and safety needs of workers.

Rona Ambrose, the federal Minister of Labour, will provide the opening address. Program sessions will focus on the topics of leadership and how it can affect workplace violence prevention, participatory ergonomics and multi-generational teams.

The Forum III program features

- expert presenters
- employer, labour and government representation
- interactive workshops
- a showcase of innovation and best practices
- networking opportunities
- certification maintenance points

CCOHS is offering special rates for groups and students.

More information about the program and registration, including early registration and group and student discounts, is available at www.ccohs.ca/events/forumiii.

Recommended Practices in Health + Safety
A guide for
BUILDING OWNERS + MANAGERS
Government of Alberta
BOMA
Download your copy at http://employment.alberta.ca/SFW/6308.html
or contact the Occupational Health and Safety Contact Centre
toll-free province wide 1-866-415-8690, (780) 415-8690 Edmonton and area.

CURRENT CHARGES AND PROSECUTIONS NOW ONLINE

Albertans now have better access to information about current charges and prosecutions as they relate to employment standards and occupational health and safety compliance. The prosecutions website (www.employment.alberta.ca/prosecutions) offers the latest information on individuals or companies that have been charged under the Employment Standards Code or Occupational Health and Safety Act. Also featured on the website is a video called *Beginning of Forever*. It features Alberta judges, crown prosecutors, victims and their families, describing the charges and prosecutions process.

UPDATE FOR EMPLOYER PROGRAM

The program information for the Employer Injury and Illness Prevention Program (formerly known as the Targeted Employer Program) has been updated for 2009 to 2010. The information can be accessed at: www.employment.alberta.ca/SFW/3538.html.

INNOVATIONS SWAN SONG

by Bob Christie

Over the years this column has become a labour of love. I started it by doing an annotated bibliography of health and safety websites to help practitioners develop their own set of favourite sites. It soon became apparent that there was no way to keep up, so I turned to showing people how to use web search tools. When that seemed to be under control, I went looking for Albertans who had found innovative ways to use the Internet in the health and safety field.

The Internet isn't novel anymore—it became just one more tool in the tool kit—so I turned to reporting on all types of health and safety innovations. For the last several years, I have been able to find three good topics a year.

Now I fear the end may be at hand. The innovative ideas seem to have dried up. That may be because of the tough economy (who wants to start a business in this environment?), it may be a sign of the maturity of the health and safety professionals and their disciplines, or it may be because I don't have nearly the contact with the movers and shakers that I did before I retired.

The editor has given me one last chance to find fodder for the column. If good innovations come in between now and my next deadline, I will be delighted. If not, this will be my last column.

In parting, I leave you with a quote attributed to a president of a big oil company: "I know we will always have incidents and injuries, but I'm damned if I am going to plan to have them!"

Bob Christie is recently retired. He was a partner at Christie Communications Ltd. and previously wrote OH&S *magazine's Web Watcher column.*

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e-mail whs@gov.ab.ca

WORK SAFE ALBERTA

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Alberta Government Library – Labour Building Site
To review the large selection of occupational health and safety information materials available through the Alberta government, go to employment.alberta.ca/1706.html.

To borrow materials, either contact your local library and make your requests through the inter-library loan system or visit the Alberta Government Library:

3rd floor, 10808 - 99 Avenue
Edmonton, AB T5K 0G5

Library phone
780-427-8533

Audio-Visual Services phone
780-427-4671

To reach either of the above numbers toll-free in Alberta, dial 310-0000 followed by the area code and phone number.

Library fax 780-422-0084

Occupational Health and Safety is an Alberta Employment and Immigration program that falls under the jurisdiction of Minister Hector Goudreau.

PARTNERSHIPS NEWS

New Partners in Injury Reduction
Partnerships would like to welcome its newest Partners in Injury Reduction:

Daytona Homes Inc.
Crown Metal Packaging Canada LP

Partners are recognized as health and safety leaders in their industry. Through a memorandum of understanding, Partners commit to taking an active role in promoting workplace health and safety throughout Alberta. They promote the Partnerships program and assist others with their health and safety systems and needs.

Highlights of Partnerships standards review process
Partnerships and the Certifying Partners have been devoting a significant amount of time to the update and revision of the program's standards manual. The resulting changes are designed to close some of the loopholes identified in the existing standards, to update policies that were not working as intended and to ensure a more consistent interpretation of policy by all CPs.

Some of the more significant changes are designed to promote consistency of CP processes for auditor training and certification and for audit report quality assurance.

A standard Auditor Code of Ethics has also been approved, and CPs have agreed to a common process for auditor discipline.

Revisions to the Team Audit standard may affect the current practice of many consultant auditors. The revised standard clearly requires all members of an audit team conducting a Certificate of Recognition certification audit to be certified, external auditors. Non-certified individuals (including auditor candidates) are not permitted to participate in a COR-certification audit. The CP group also agreed that external audit reports must be written by a certified auditor who was an active participant in the on-site data-collection activities.

In the case of an internal maintenance audit, the report writer may be an auditor candidate, but the report writer still must have been part of the on-site audit team. Note, however, that this change to the standard does not stop auditors from using a proofreader or typist. Individuals providing these types of clerical functions do not need to be identified inside the audit report.

The group also agreed to changes that will allow employers more options for conducting their annual audits. For example, CP approval may now be granted to allow an Alberta employer the option of extending their audit scope to out-of-province temporary work sites. If specific conditions are met, employers operating outside the province may be eligible to attain a three-year Alberta COR instead of the one-year certification previously offered.

To date, the Small Employer COR process has not experienced any significant changes, but a review of the program is expected to begin in early 2010. At that time employers will be solicited for their ideas about changes to the program.

Is that COR valid?
All copies of CORs have an expiry date printed in the lower right corner of the certificate. As more project owners and employers require contractors to hold a valid COR to either bid for or perform work, the incidence of altered, modified and expired CORs being submitted in bid packages has increased.

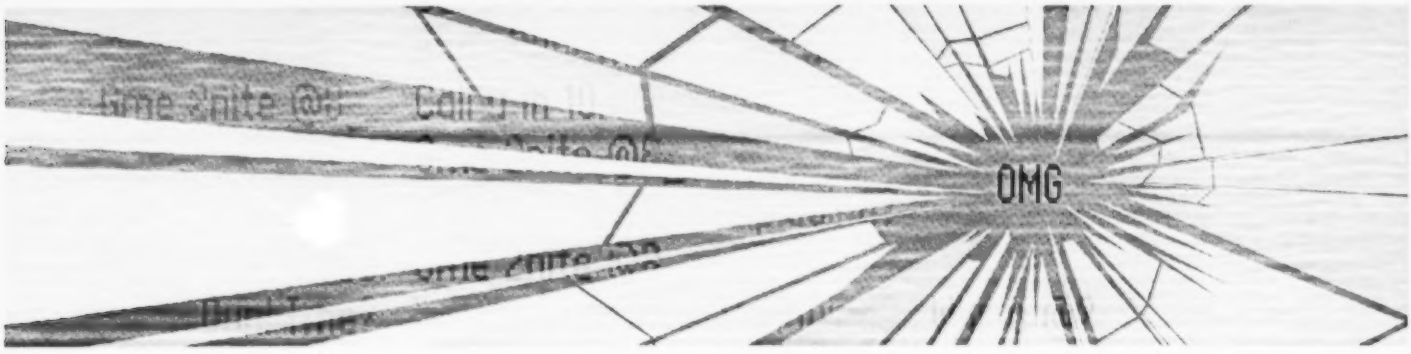
Information on a COR can be verified quickly and easily online by visiting our website at employment.alberta.ca/documents/WHS/WHS-PS_COR.pdf.

Partnerships in INJURY REDUCTION

Partnerships in Injury Reduction is a non-regulatory, province-wide injury prevention program sponsored co-operatively by government, labour and industry. The program offers:

- tools to implement a health and safety management system
- guidance in applying for a Certificate of Recognition (COR)
- potential for premium rebates from the Workers' Compensation Board-Alberta

For more information, call the Partnerships Hotline at 1-866-415-8690 or visit employment.alberta.ca/whs-partnerships/.



"TXTING SUX!"

MESSAGING TECHNOLOGY CAN BE A HAZARD BEHIND THE WHEEL

by Allan Mott

If anyone over the age of 30 had been told as a teenager that in the future they could share their every thought with nearly everyone they knew across vast distances without saying a single word, they probably would have thought it sounded like something out of *Star Trek*. To anyone younger than that the same news would be met with a bored, "Uh, yeah, whatever," as they texted, "Thiz guy iz lame!" to all of their friends via the mobile device that hasn't left their dominant hand since they were 12.

Everyone knows that the miracles of yesterday quickly become the humdrum reality of today. While this transition is entirely understandable, it is not always in our best interest. Having grown up believing they can share their every random thought with their friends, many kids today fail to realize that there are perils associated with their handheld devices. The largest peril is using that device from behind the wheel of the cars they are only just learning how to drive.

In a 2007 survey by the American Automobile Association, 28 per cent of teen drivers said they texted while driving. "They view mobile devices very differently than older generations," says Cate Burant-Fernuik. "Cellphones are teens' lifeline, and they feel that they should be able to use that lifeline anywhere at anytime." She is the project coordinator/communications for the Coalition for Cellphone-Free Driving and works with Dr. Louis Francescutti, a physician and professor who founded the Alberta Centre for Injury Control and Research at the University of Alberta.

Of course, texting while driving is not only a problem among young drivers, but a larger problem of distracted driving for everyone. The U.S. Department of Transportation estimates that 80 per cent of collisions are caused by driver distraction, which includes texting. And a study out of Virginia found that while truck drivers were six times more likely to have a collision if they were dialing a cellphone while driving, the collision risk jumped to 23 times higher if they were texting.

> **You're 23 times more likely to be in a crash if you use a mobile device while driving.**

"Texting causes a 400 per cent increase in time spent with your eyes off the road and a 140 per cent increase in incorrect lane changes," says Burant-Fernuik.

Burant-Fernuik says texting was the top issue at the U.S. National Safety Council's 2009 Congress and Expo she and Dr. Francescutti attended in October 2009. She says the experts discussed the disturbing habit of "pasting"—sticking your handheld device on your steering wheel with some sort of tape and then steering your car with your knees. That way the hands are left free to text.

Governments all over the world are considering how to combat texting behind the wheel. In Gwent, Wales, for example, the Gwent Police Department decided to produce a short film that addressed the issue of texting while driving. It has all of the subtlety and restraint of a Saw sequel (two words: dead baby). And while a four-minute clip from the video has proved to be something of a YouTube sensation (four million hits and counting), there is some debate whether or not such shock tactics will

actually have any effect on a new generation of texting-obsessed drivers.

Dr. Francescutti believes that videos such as the one from Wales can be effective deterrents.

"Ads like that are just incredibly powerful and when you couple them with good legislation and enforcement, then you can reduce carnage on our roadways," he says.

But some feel shock tactics might not be that helpful in reducing certain behaviours. Dr. Richard Tay, an expert in transport economics and policy at Calgary's Schulich School of Engineering, is one such skeptic.

"It depends on the viewer how successful using fear and guilt as a motivating force is," he says.

The question, then, is if you can't depend on scaring young people or drivers of other ages away from dangerous behaviour with shots of bloody, mangled bodies, what can be done to slow down and stop a trend that could grow more serious as time goes on? Driving experts ask, if drivers aren't willing to assume personal responsibility over this issue, does the solution then have to come from higher powers?

Dr. Tay believes that companies have an advantage over the government in preventing their employees from texting while driving: "The company has more options. [It] can track mobile device use and driving and [it] has a lot more of an incentive structure. Companies can give bonuses and can have disincentives as well for employees who are caught using the phone while they drive."

Dr. Francescutti adds that taking such actions are to a company's benefit, because lawsuits over employees causing accidents while using their handhelds on the road, "are settling in the tens of millions of dollars."

But even as companies and provincial and state legislatures begin to enact laws banning the use of mobile devices from behind the wheel (most recently in Ontario, B.C. and California), the perception still persists among drivers that their perceived ability to multitask puts them at low risk for collisions. "It's an urban myth," Dr. Francescutti says of multitasking. "Humans were not designed to do that."

Martin Dupuis, a spokesperson for the Government of Alberta's Transportation Department, says that no matter the distraction, one split second can cause an accident.

"With cellular devices, it's a reflex, it's automatic. People don't even think about whether they should be using them," he says.

The Government of Alberta is considering possible distracted driving legislation. Alberta Transportation is looking at what other jurisdictions are doing and consulting with other departments, such as the Attorney General and Justice.

"We have an overall commitment to traffic safety, making our roads safer, and distracted driving is one aspect of this. Any legislation has to be effective and enforceable," Dupuis says.

Perhaps a good way to deter the growing trend of texting while driving is by spreading more of the statistics offered by Burant-Fernuik. She quotes a 2008 Alberta Motor Association study. "You're 23 times more likely to be in a crash," she says of driving while texting.

Scariest of all is what happens in the time you take to glance at a text for only five seconds.

"You can travel the length of a football field in that time," she warns, which is more than far enough to forever regret looking down to read that the movie your friend is watching, "reely sux."

Allan Mott is a freelance writer and author. His books include Scary Movies *and* Gothic Ghost Stories. *Allan doesn't drive, but he pays a lot of attention while crossing streets so that no vehicles hit him.*

COLLISION RISKS: HEAVY VEHICLES AND TRUCKS

- Talking/listening to a cellphone: 1.0 times higher than non-distracted driving
- Dialing a cellphone: 5.9 times higher than non-distracted driving
- Using or reaching for an electronic device: 6.7 times higher than non-distracted driving
- Text messaging: 23.2 times higher than non-distracted driving

Source: The Virginia Tech Transportation Institute, from a study released in July 2009

SAFE DRIVING TIPS

Dr. Louis Francescutti says the rules of the road are very simple:

- Don't speed.
- Stop at stop signs.
- Adapt to the weather conditions.
- Don't use mobile devices or cellphones or engage in other types of distracted driving.
- Don't drink and drive.

DANGER FROM ABOVE

FALLING OBJECTS FROM A WORKSITE ARE A REAL HAZARD

Albertans saw a number of incidents involving objects falling from high places at construction sites in 2009. In one of them, a three-year-old girl, Michelle Krsek, was killed during a windstorm in August when a steel bundle fell from a high-rise construction project onto one of Calgary's downtown streets. Her brother and father were injured in the same incident.

This fatality, as well as other incidents, was one of the factors that prompted the Government of Alberta to issue a safety alert to the construction industry. The alert (**see page 13** for information) points out specific hazards that construction companies must pay attention to on their worksites to ensure safety. Occupational Health and Safety also held meetings with senior executives from the major players in the Calgary construction industry.

"We want to make sure that due diligence is evident—that it is recognized by employers that these incidents are preventable and foreseeable," says Karen MacDonald, director of Occupational Health and Safety for the southern region of Alberta.

Constantly changing worksites

Construction sites are dynamic worksites where conditions change constantly, says MacDonald.

"These sites change every day, sometimes every hour," says MacDonald. "In a tall building, for example, equipment and materials are brought up, often onto the roof. Some are secured, some are bundled, some aren't. OH&S officers expect, as part of a company's general hazard control practice, that managers and workers onsite know what the hazards are in respect to the work being done and that management has a plan on how to effectively address them."

Potential hazards in a tall building could arise during early phases of construction when the structure is open to the air and exposed to weather conditions. Winds can quickly come up and blow objects around if they are not secured.

"Chinook winds are a known commodity in the downtown core of Calgary," says MacDonald. "OH&S wants to see employers factoring this into their safety plans. Winds are going to happen. Employers should be asking beforehand and as work progresses throughout a day, 'How do we make sure that nothing comes off our structure?' "

OH&S inspections

In a high-rise construction project, OH&S inspection officers will often start at the top and work their way down through the building.

"What the workers on the roof are doing—how they are paying attention to basic safety practices—tells OH&S officers a lot about how they perform the rest of their jobs," says MacDonald.

Before inspecting a worksite, OH&S officers will often find out the history of a company and what sort of projects it works on. An officer will typically do a hazard assessment before entering a worksite, to ensure their own safety. Officers will talk to the site supervisor before walking onto the site and typically have this person accompany them throughout an inspection. They discuss what they want to see, depending on what stage a project is at. Next, they will do a walk through the site. They observe work practices, documents and training records, and determine if hazards are controlled in accordance with the standards of Alberta OH&S legislation.

Joanne Garton, director of OH&S for the northern region of Alberta, says that OH&S officers have good investigative skills and try to anticipate the types of hazards found on each individual worksite.

"Each worksite is unique and has its own inherent hazards," she says.

Next steps for employers

After reviewing company procedures for various hazards, senior executives and OH&S staff focused on how a company's senior management communicates to its employees the company's plans and its commitment to safety.

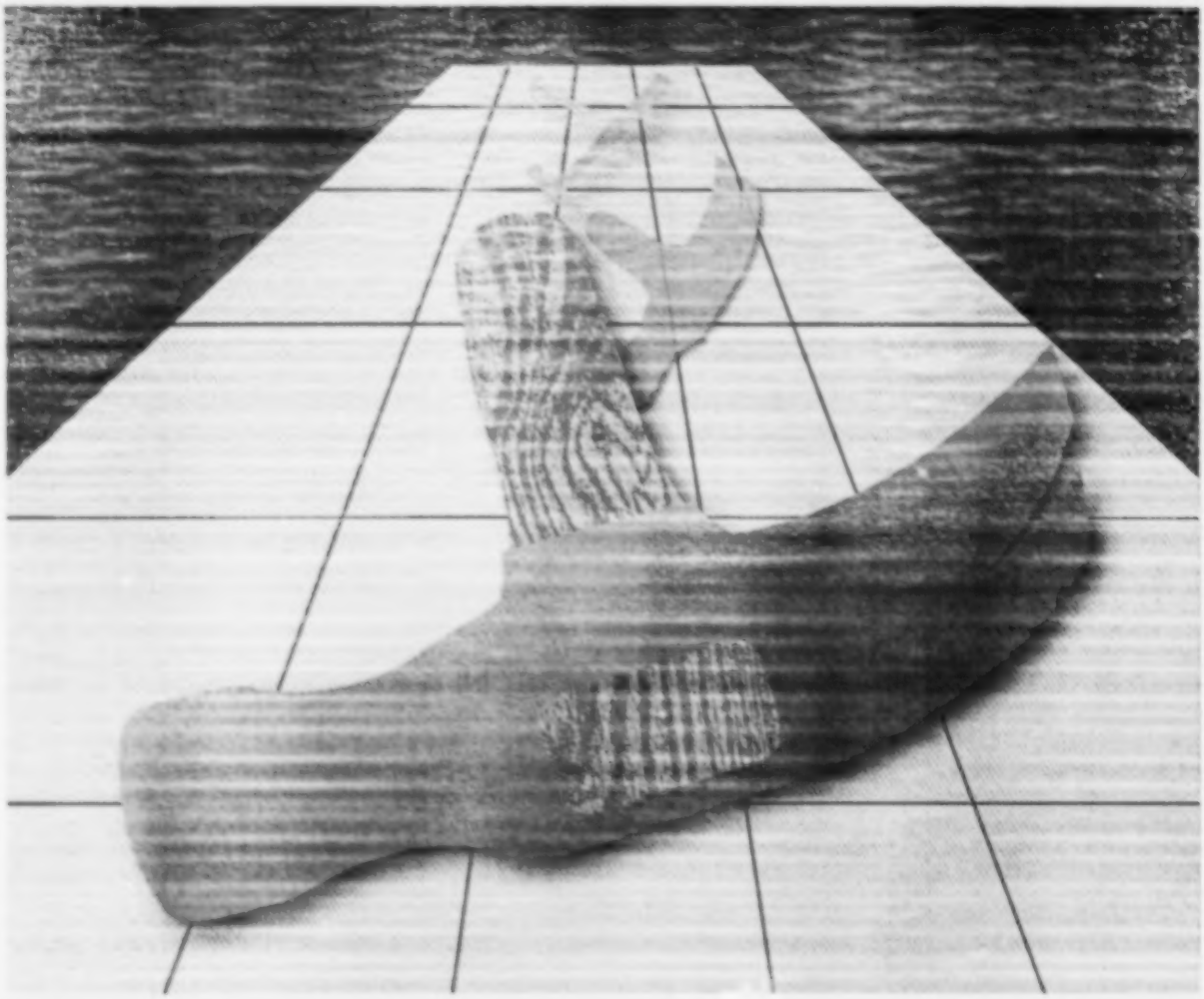
"How do you ensure the message we have talked about is being communicated to the people who are working on the site every day?" asks MacDonald. "A company's upper management has the authority to make changes on its sites and to instill in its staff the critical importance of safety in day-to-day work activities."

MacDonald and Garton both point out that everything OH&S does is aimed at prevention. Its role is not to take over the work of employer or employee, but to help companies be self-reliant in managing health and safety at their worksites.

"Our message is that companies can actively participate in something that is good for themselves and their staff," says MacDonald. "Part of being an employer of choice is ensuring your worksites are safe."

In the investigation of the fatality of Michelle Krsek, the City of Calgary has laid one charge each against the site owner, the contractor and the subcontractor under the province's Safety Codes Act (allowing an unsafe condition).

If you see work activity that looks dangerous or is a concern, please call the Occupational Health and Safety Contact Centre to report it:
1-866-415-8690 (toll-free within Alberta)
780-415-8690 (Edmonton and surrounding area)
For someone who is deaf or hard of hearing with TDD/TTY: 780-427-9999 in Edmonton, 1-800-232-7215 throughout Alberta.



SAFETY ALERT—CONSTRUCTION SITES

Following these steps will help focus you and your workers to ensure your site is safe in respect to the hazards in your area.

- **Equipment and materials must be secured against dislodgment/movement.** Windy conditions must be factored into your controls to ensure materials are properly secured. OHS Code Section 189
- **Workers must be protected from falling objects** with overhead protection and/or appropriate and adequate warning devices. OHS Code Section 318
- **Secure or guard dangerous openings and holes.** OHS Code Section 314
- **Guardrails** must be installed on open sides of the stairways, walkways and ramps to protect workers from falling. OHS Code Sections 121–122 and 315
- **Fall protection** systems to protect workers falling from heights. OHS Code Part 9
- **Scaffolds** and **work platforms** must be properly installed. OHS Code Part 23
- **Cranes, hoists and lifting devices are inspected, tested and maintained** in safe working condition. OHS Code Part 6
- **Rigging and all rigging components are inspected** thoroughly at the commencement of each work shift. OHS Code Part 21
- **Skeleton structures are erected in accordance with procedures** certified by a professional engineer. OHS Code Section 190
- **Powered mobile equipment must be maintained** in good operating condition. OHS Code Part 19
- **Workers must be protected from cave-ins** or sliding material. OHS Code Part 32
- **Hazard assessments must be conducted before work begins** to identify hazards and appropriate controls. OHS Code Part 7

Provided by Employment and Immigration, Government of Alberta

DON'T SHORT-CHANGE RETAIL WORKER SAFETY

by Wes Bellmore

Being injured on the job is probably the last thing on a retail employee's mind at the start of the shift. Anxieties over folding the perfect T-shirt, tidying the showroom or pacifying cranky customers probably outweigh concerns about falling off a stockroom ladder or wrenching their back.

"A retail operation is not usually perceived as a hazardous workplace," says Cailin Mills, an effective practices specialist with Alberta Employment and Immigration, "and that faulty perception is part of the problem. When many people think about retail work, they think of cash registers and price stickers. They don't consider forklifts, cluttered stockrooms, bulky merchandise and razor knives—the hazards that are actually injuring retail workers."

Back injuries most common

Sprains, strains and tears were the leading types of injury for retail workers in 2008. They accounted for 52 per cent of the disabling injury claims submitted to the Workers' Compensation Board-Alberta from the wholesale and retail industry. The back was the most commonly injured body part, accounting for nearly one in five disabling injury claims.

"Soft tissue injuries are most prevalent," says Mills, "usually caused by overexertion and improper lifting."

In addition to the sprains, tears and bruises, says Mills, tripping, stumbling and falling from raised areas are frequent causes of bodily harm. "Injuries like this are caused by cluttered working conditions, failure to use protective gear and general inattentiveness," she says. "They're common injuries when everyone is in a big rush and someone isn't paying attention."

According to WCB data for 2008, the wholesale and retail sector ranks right in middle of industries in Alberta for injury rates. This sector has the highest level of employment in the province, however, accounting for 19 per cent of total person-years worked in 2008. As a result, it is one of the largest contributors to total injuries, ranking second for lost-time claims and third for disabling injury claims.

COMMON HEALTH AND SAFETY CONCERNS IN THE RETAIL INDUSTRY

- Handling and lifting materials
- Slipping, tripping and falling
- Using ladders
- Cuts and bruises
- Violence in the workplace
- Shoplifting and robbery
- Harassment
- Exposure to chemicals, biological hazards and diseases
- Travelling to and from work

Source: Retail Council of Canada

Young workers at risk

This trend is even more relevant for young workers (aged 15 to 24), who have nearly 29 per cent of their employment in the sector. Wholesale and retail work is the second-leading source of lost-time claims for young workers. It ties for first for disabling injury claims.

Staples Business Depot recently won an award from the Retail Council of Canada for its Got Ouch? safety program, which largely targeted young workers. "We found we had a lot of younger workers who were injuring themselves," says Kerri O'Neill, manager of health, safety and disability at Staples, "so we wanted a campaign that was identifiable, that had a logo and that people could recognize instantly.... It was catchy, it really played well with the younger workers and we found the older workers liked it, too."

Young people also have higher injury rates than their older co-workers. The proportion of retail work done by young workers is only slightly higher than the proportion done by employees over 55, but young workers suffer twice as many disabling injuries.

Mills believes part of the reason for this difference lies in employees' attitudes and life experience. "Young people usually feel invincible," she says. "They don't expect that anything bad is going to happen to them." In contrast, older workers may be more likely to understand their own limitations and the hazards of their work environment.

"Life experience plays a role in reducing injuries," says Mills. "A young person may have never used a box cutter, but then at work they are expected to use this razor-sharp knife to slice open a package."

Retail challenges

Employee inexperience isn't the only health and safety challenge retail employers face.

"Our biggest challenge for training is the sheer number of employees," says Andrew Lawman, senior director of human resources for The Brick. "We are spread out across Canada in multiple locations, so that poses a challenge right out of the gate. And people move around, so we need to continue the training to make up for staff turnover or when managers take on different responsibilities or are promoted."

The types of the products being sold in some stores can also present a risk to workers.

"We're dealing in couches and fridges and stoves and other items that can be quite heavy," says Lawman. "Our people have to learn how to move those items safely."

Manager buy-in is critical

Peter Pilarski, director of government relations and membership services with the Retail Council of Canada, believes the biggest challenge for a health and safety program is getting senior management to buy in. "Once senior managers are on board," he says, "the health and

safety flows through the organization, but it's pretty tough to do it without senior managers. Even if the lower level employees are interested, it's pretty tough for them to get something going."

O'Neill says implementing their award-winning program was a simple decision at Staples when management considered what it would mean not to move forward with it.

"We did a gap analysis and saw a lot of the injuries common in a retail setting—your slips, trips and falls, as well as ergonomic and musculoskeletal injuries. We took a look at the costs involved—and the potential repercussions for our associates—for not doing something about health and safety," says O'Neill. "We realized that morally, ethically and financially it made sense to put a program like this in place."

The results of Got Ouch?, now in its third year, were pretty much what managers had expected. "Initially, as we had hypothesized, we saw an increase in the amount of reported claims. Our gap analysis suggested workers were not reporting injuries; there was a stigma attached to filing a claim. So with the Got Ouch? program, we told people, if you've 'got ouch,' let your manager know. Then, over the next couple of years, we saw a steady decrease in the amount of reportable injury claims and we also saw that many of the provinces reported a decrease in lost-time claims."

O'Neill says this success is due in large part to a commitment from company leaders. "Our senior executive team has been very supportive of health and safety measures from the very beginning," she says. "Without their assistance we would not have had this success."

Communication is the key

The methods for helping workers stay safe are quite simple, according to Mills. "Constant communication is the key. It is important for employers to keep the issue of health and safety in their face. Keep pointing out the hazards. ... If you hand them a box cutter, ask if they have ever used one. ... If they have not, show them how."

Lawman says health and safety training is part of every employee's orientation to The Brick. "New employees go through several days of classroom training where they learn things like back safety, lifting techniques and personal protective equipment," he says.

"Our training platform is built on three supports, like a three-legged stool," says Lawman. "Those supports are training, communication and measurement. We provide classroom and other types of on-the-job training such as equipment certification, first aid and CPR, then we constantly communicate and promote a safe working environment through newsletters, re-training sessions, video updates, audits and health and safety committees. Next, we monitor and audit the performance of each location, through audits and WCB statistics. We can tell if we have an issue or if we're doing well."

Pilarski says health and safety is not strictly the purview of big business. His organization represents more than 40,000 retail stores across Canada, focusing in large measure on the safety concerns of workers.

Many resources available

"It's not a valid excuse for an employer to say they don't have access to health and safety information," says Pilarski. "If an employer does not have a formal workplace safety program, there are plenty of free, excellent resources available online or in printed form."

The Retail Council of Canada has developed the *Health and Safety Guide for New Retail Workers* to help employers and new employees develop and maintain safe retail environments. The guide, designed for use by the employee, presents a comprehensive range of workplace safety information for a variety of retail situations.

Pilarski says the RCC is also working to establish a health and safety association in Alberta, to encourage retailers to earn a Certificate of Recognition. "If a company is part of the COR program it can qualify for lower WCB rates," he says. "Also, the more retailers that are part of the COR program, the lower the overall costs for WCB are, and that will benefit everyone."

Pilarski says focusing on job site safety is not only good for the worker, it's also good business. "All companies, even very small ones," he says, "need to look at health and safety as a strategic advantage rather than a cost. As an employee, you want to know that your employer cares about your safety."

Wes Bellmore is a freelance writer based in Edmonton.

RESOURCES

WEB LINKS

www.employment.alberta.ca/SFW/358.html
Workplace Health and Safety resources for small businesses, incident cost calculator, small business Certificate of Recognition, employment standards and more

www.employment.alberta.ca/documents/WHS/WHS-PUB_oid_wholesale_retail.pdf
Lost-Time Claims, Disabling Injury Claims and Claim Rates: Wholesale and Retail Industries, 2004 to 2008

www.employment.alberta.ca/whs/learning/ergonomics/data/ergonomics.html
Worksafe Alberta—Backs and Bums: Applying Basic Ergonomics

www.retailcouncil.org
Retail Council of Canada

www.retailcouncil.org/storeops/HealthandSafety.asp
Health and safety guides for new retail workers are available on this page.

FOCUS ON HUMAN PERFORMANCE: COLD WATER IMMERSION

by Ray Cislo

Unexpectedly falling into cold, ice-covered water can have potentially life-threatening consequences. It is a danger faced by workers constructing and maintaining ice bridges and ice roads and working on floating ice platforms (for example, to drill for oil or erect power transmission towers), and by scientists, conservation officers and field biologists working on floating ice covers.

Contrary to popular thinking, it takes approximately 30 minutes—not 5 to 10 minutes—for a person dressed in winter clothing to become hypothermic in water near 0 C. A drop in body temperature to 35 C marks the onset of hypothermia. The time that takes depends on the water's temperature, how much of the body is immersed, body shape and percentage of body fat (body fat acts as insulation against the cold—more is better), as well as the amount of insulation provided by clothing and safety equipment, such as a flotation suit. Despite these variables, most fatalities involving cold water immersion happen within 20 minutes of the person entering the water. The cause of death in these cases is usually drowning, not hypothermia.

Upon first entering the water, most people gasp loudly and violently. This initial "cold shock" to the body kills some people within the first two minutes of their immersion. Respiratory or cardiac problems can lead to drowning or sudden cardiac arrest.

Within the next 2 to 30 minutes of immersion, physical performance is impaired. Blood that would normally flow to the extremities is redirected to the body's central core to keep the organs and brain warm and supplied with vital oxygen and nutrients. This redirection, or shunting, of blood means that the extremities cool down, which impairs the function of nerves and muscles. Cold nerves no longer conduct messages as well as they should, which affects dexterity, coordination and sensation.

Muscles, ligaments and tendons become stiff. Uncontrolled shivering makes coordinated muscular movement difficult. Sluggish muscles eventually become unresponsive. The person in the water soon becomes unable to help themselves, unable to swim, and usually drowns. In 0 C water, this incapacitation usually happens within 2 to 10 minutes of immersion.

Dr. Gordon Giesbrecht, a specialist in cold water immersion at the University of Manitoba, summarizes what happens to humans in cold water immersion with the expression "1 minute… 10 minutes… 1 hour… 2 hours."

One minute to control your breathing
For about one minute, the person gasps for air in reaction to contact with the cold water. After one minute, the gasping subsides, the skin numbs and the sensation of intense cold decreases.

Ten minutes of meaningful movement
The person has about 10 minutes to get out of the water before they become unable to help themselves.

One hour before losing consciousness
If the person manages to hang onto the ice or stay afloat after 10 minutes, the muscles in their arms and legs lose the strength to get them out of the water. Eventually, they lose consciousness as their core body temperature decreases to about 30 C. If the arms, a beard or another part of the body is not frozen to the ice, the person will slip below the surface and drown.

Two hours to be found
If the person stays above the surface of the water, rescue is still possible within two hours. At about two hours, death due to hypothermic cardiac arrest occurs when the body's core temperature falls below 28 C.

RESOURCES

Giesbrecht, G., and A.W. Wilkerson. *Hypothermia, Frostbite and Other Cold Injuries: Prevention, Survival, Rescue and Treatment*, 2nd edition. The Mountaineers Books, 2006.

WEB LINKS

employment.alberta.ca/documents/WHS/WHS-PUB_sh010.pdf
Best Practice for Building and Working Safely on Ice Covers in Alberta

www.coldwaterbootcamp.com/pages/1_10_60v2.html
Cold Water Boot Camp page about Dr. Giesbrecht's three critical phases of cold water immersion (includes videos about cold water immersion)

www.lifesaving.com/files/Mythbusters_sm.pdf
Giesbrecht, G., M. Hyndes and T. Hubbell. 2004. Frozen Mythbusters. Wilderness Medicine Newsletter, vol. 15, no. 4, November/December 2004.

KNOW THE RISKS OF WORKING ON ICE

BEST PRACTICE GUIDE OFFERS ADVICE ON HOW TO OPERATE SAFELY

by Bill Corbett

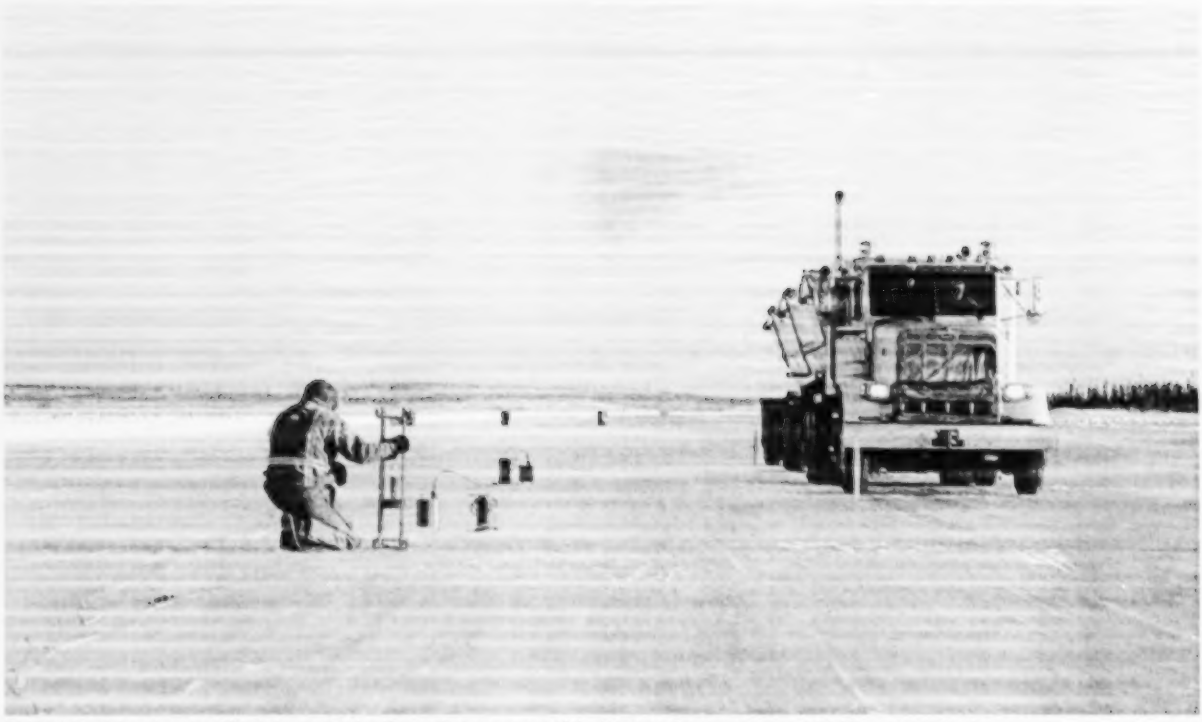
Canadians think they know ice. During our long winters, we skate on it, play hockey on it and sometimes drive on it.

Yet when it comes to floating ice over water, the statistics tell a different story. Over the past decade, some 500 Canadians have died after breaking through such ice covers. While the majority of these incidents related to recreational activities, such as snowmobiling, a significant number involved workers doing things such as crossing frozen rivers, travelling on ice roads or operating heavy equipment on an ice cover.

> **"There's more and more development in northern and remote areas. Nine times out of 10, they're travelling over ice in winter."**
>
> **—Kelly McManus, LaPrairie Group Contractors Alberta Ltd.**

In one such Alberta incident, a worker broke through ice and drowned while operating a snow cat on the Peace River in 2005. But in this case, tragedy resulted in something that should help many companies avoid a similar fate. The judge presiding over the Occupational Health and Safety hearing that arose from the incident issued the company

Calibrating a GPR ice profiler by drilling a 2-inch hole next to the antenna to measure ice thickness.



Field trial to determine speed limits by monitoring the vertical movement of the ice cover due to waves generated by a moving truck.
Photos provided by EBA Engineering Consultants, Ltd.

a creative sentence: the $300,000 fine was to finance the creation of workplace guidelines and supporting education materials for ice covers.

Manual created by advisory committee

The resulting *Best Practice for Building and Working Safely on Ice Covers in Alberta* was completed in late 2009. It was forged by a multi-stakeholder advisory committee with considerable experience in designing, building, maintaining and operating on ice covers. The intent was to provide a summary of up-to-date practices for safely constructing and operating transportation facilities and short-term working platforms that rely on floating ice for structural support.

"One of the things I learned from this exercise is I thought I knew a lot about ice but really didn't," says Rory Ryder, co-chair of the advisory committee. "I knew about the importance of ice thickness, but I didn't know that much about the effects of crack formation or what happens if you stop and are stationary too long on an ice cover."

Ryder is the manager of safety engineering with ATCO Electric, which uses ice covers in the construction and maintenance of its power lines in northern Alberta.

"Our goal with the best practice is to help educate those who construct and use ice covers about the hazards around ice and to provide practical ways to control the hazards to minimize risk," says Ryder.

An ice cover is the portion of an ice surface that floats on a river, lake, pond or peatland. It is capable of carrying an external load, such as a worker, moving vehicle or stationary piece of equipment. Ice covers can range in length from less than 100 metres for a stream crossing to dozens of kilometres for a long lake crossing. They are generally kept clear of snow and flooded to enhance the thickness and strength of the natural ice formation.

Links to remote communities

Ice covers and ice roads, which usually also include ice frozen to the ground, have long been a fixture in northern Alberta. They provide links to remote communities and allow winter access for constructing or supplying distant work sites. They have become increasingly important as the petroleum and forestry industries expand their operations in northern Alberta.

"There's more and more development in northern and remote areas. Nine times out of 10, they're travelling over ice in winter," says advisory committee member Kelly McManus. "The oil industry is often accessing remote rig sites via ice roads, particularly across peat bogs."

McManus is a health and safety manager with LaPrairie Group Contractors Alberta Ltd., which maintains winter ice crossings on the Peace River.

At the same time, the weight of industry vehicles and loads on these ice covers has increased substantially. "In the 1960s, you were typically looking at semi-trailer trucks of 30,000 to 40,000 kilograms. Now, they're weighing up to 63,500 kilograms and they're hauling logs, fuel, supplies and heavy equipment," says Dr. Sam Proskin, an engineer with EBA Engineering and one of the principal authors of the best practice document.

Best practice used as tool

Yet the expertise needed to build and maintain these ice covers has not expanded at the same rate as the growth in their use. "There are a wide variety of contractors involved in this," says Proskin. "At the high end are well-informed contractors who know the risks and hazards of building and using these ice covers. You occasionally get a contractor with a smaller job who may not be familiar with the local ice conditions. The best practice addresses those kinds of contractors."

The best practice can be used as a tool for safely planning ice cover projects and for developing standard operating procedures. It can also form the basis of hazard awareness training for those working on ice covers. An accompanying field guide and online learning module are available to help employers train their workers (see Resources for web link).

"In general, it gives everyone a better standard for safely constructing an ice crossing," says McManus. "Until this best practice, the available information was quite scanty and very generic."

The best practice addresses, in some detail, the complexities of ice covers and the limitations they can impose on safe work practices. River crossings, for example, can be quite challenging, with currents perhaps undercutting the ice and sudden temperature changes creating a myriad of cracks. Excessive vehicle speeds also create energy waves that can undermine the ice cover's stability.

To help companies deal with such complexities, the best practice provides detailed steps for calculating safe load limits on ice covers. "The advisory committee worked hard to provide these [load factors] in ways that are understandable to a contractor experienced with ice," says Proskin.

The committee also looked at emerging issues such as how climate change could be shortening the safe operating season for ice covers and winter roads.

"Thirty years ago, some winter roads might have been open for 60 days," says Proskin. "Now it's maybe 45 days, with forecasts that in 10 years we might lose another 15 per cent of that operating window."

While some other provinces and territories created best practices for ice covers some time ago, the Alberta effort

embraces the most up-to-date knowledge and practices. Says McManus: "When you include the e-learning component and the practical field guide, I think our best practice probably sets itself apart from the rest."

Bill Corbett is a freelance writer from Calgary.

RESOURCES

WEB LINKS

employment.alberta.ca/SFW/268.html#ice
E-learning module and best practice manual

ice-glaces.ec.gc.ca/IceGraph/IceGraph-GraphdesGlaces.jsf?id=11874&lang=eng
Canadian Ice Service—ice coverage graphs

video.google.com/videoplay?docid=1336060123570070026#
2006 Winter Ice Road, NWT, Canada (an online video)

www.dot.gov.nt.ca/_live/pages/wpPages/Winter_and_ice_roads.aspx
Winter and Ice Roads information (from NWT Department of Transportation)

www.dot.gov.nt.ca/_live/documents/documentManagerUpload/Ice%20Construction%20Field%20Guide%20web.pdf
A Field Guide to Ice Construction Safety, from the Government of the Northwest Territories

www.wheels.ca/article/501763
A story about ice road trucking from Wheels.ca

Pressure ridges typically occur on larger lakes and may require re-routing. Photos provided by EBA Engineering Consultants, Ltd.

ICE ROAD LINKS FORT CHIP TO ALBERTA

For the coldest months of the year, the northeastern Alberta community of Fort Chipewyan would be all but cut off from the outside world if not for the winter road connecting it to Fort McMurray. The 190-kilometre road—which crosses sizable rivers, creeks, lakes, muskeg bogs and mud bottoms—is essential to supplying the town of 1200 people with winter food, fuel and building materials. Since the mid-1990s, the Regional Municipality of Wood Buffalo has been responsible for this essential link and all its complexities.

Considering that tri-axle trucks of up to 45,000 kilograms operate on the road, the ice portions must be carefully built and maintained, particularly during warm winters. Major river crossings are closely monitored for safety. The speed limit for large trucks is five kilometres per hour.

"If you break through ice over muskeg, it can be serious but not likely life threatening. But if you break through on larger crossings, it could well be life threatening," says Fred Baehl, manager of public works for Fort Chipewyan.

Baehl says the municipality is fortunate to have an experienced contractor overseeing its ice road and to have trucking companies familiar with the route. "Most companies that use the ice road do a good job working with their drivers," says Baehl, a member of the advisory committee that developed *Best Practice for Building and Working Safely on Ice Covers in Alberta*.

"The problem sometimes is with smaller companies or ones that only come up here once in a blue moon. I think the best practice is really going to help a lot of those types of companies in terms of education."

WHAT IMPROVEMENTS HAVE YOU MADE AT YOUR WORKPLACE?

If you've found a solution worth sharing, please send it to ray.cislo@gov.ab.ca.

RELOCATING DESKS

The Problem
When people relocate within offices, desks often need to be moved around. This task means emptying the desk and then manually carrying it or struggling to place it on a dolly.

A Solution
Specially adapted desk dollies that slip under a fully loaded desk can make moving it an easy task.

Benefits
These dollies eliminate much of the manual lifting and carrying associated with moving a desk. Their use avoids actions that can cause lower and upper back injuries and improves worker efficiency.

STEPPING UP A LITTLE HIGHER

The Problem
Vessels, vats, racking and platforms are sometimes too high for workers to reach comfortably. Workers struggle to lift objects to the correct height, often straining their shoulders, backs and arms in the process.

A Solution
Simple stair stands offer wide, stable, slip-resistant standing surfaces that get the worker into a higher, more comfortable position from which to perform their tasks.

Benefits
Stair stands reduce overreaching, particularly above shoulder height, and the struggle to lift heavy objects just a "little bit higher," which avoids potential back, shoulder and arm injuries.

DEALING WITH DEFUNCT COMPANIES

by Brian Caruk

Every now and then, a workplace health and safety investigation results in charges being laid against a company that subsequently ceases operation or is dissolved. It is very difficult to gather sufficient information in every case to determine whether a company closed for legitimate business reasons or in a strategic decision to try to avoid further prosecution. In either scenario, the Crown is faced with the difficult task of deciding whether or not to continue a prosecution when it is likely that any penalty imposed by the Court will go unpaid. Somewhat surprisingly, the frequency with which this choice happens is increasing.

One of the ways in which the issue can be addressed is to consider charging directors or corporate officers in their personal capacities, as well as the company. The definition of "employer" in the Occupational Health and Safety Act includes the following: "a director or officer of a corporation who oversees the occupational health and safety of the workers employed by the corporation."

What this means is that as long as there is sufficient evidence to establish that a person oversaw the health and safety of workers, that individual may be subject to prosecution in their personal capacity. If the company ceases to operate for whatever reason, the prosecution could still be continued against the individual.

It is important to keep in mind that one of the primary objectives in prosecuting a violation of occupational health and safety legislation is to deter future illegal conduct on the part of the defendant as well as other employers. For the occasional individual who may be tempted to shut down their company in an attempt to avoid prosecution, the provision for charging directors or corporate officers should give them ample food for thought.

Brian Caruk is Acting Chief Crown Prosecutor with Regulatory Prosecutions, Alberta Justice.

THE LAST RESORT

REPORTING ON RECENT CONVICTIONS UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT

Between June 1 and September 30, 2009, three companies were convicted under the Occupational Health and Safety Act.

Sunshine Village Corporation
On August 31, 2004, two workers were performing maintenance work on a ski lift. One worker was in the lower work platform and the other was sitting on the upper work platform. The ski lift was moving and the foldable access stairs attached to the upper work platform, which were left in the raised position, collided with the lower terminal of the ski lift. The worker in the lower work platform was knocked down and the worker on the upper work platform received fatal injuries. On July 29, 2009, Sunshine Village Corporation was convicted on one count under the Occupational Health and Safety Act. The total penalty of $255,750 was made up of a fine of $5000, a victim fine surcharge of $750 and a payment of $250,000 to Selkirk College in British Columbia. Sunshine Village Corporation is appealing the decision.

Sure-Form Construction Ltd.
On November 14, 2005, a worker was seriously injured when he fell 4.7 metres from an unsecured form section located on top of support beams that were positioned on a scaffold. On August 13, 2009, Sure-Form Construction Ltd. pleaded guilty to one count under the Occupational Health and Safety Act. The total penalty of $100,750 was made up of a fine of $5000, a victim fine surcharge of $750 and a payment of $95,000 to the Alberta Workers' Health Centre.

Earl's Restaurant (Sherwood Park) Ltd.
On November 13, 2006, a worker suffered serious injuries to his lower body from boiling water when he climbed onto a pasta cooker that tipped over onto him. The worker had been instructed to clean a wall behind a line of catering equipment. On September 2, 2009, Earl's Restaurant (Sherwood Park) Ltd. pleaded guilty to one count under the Occupational Health and Safety Act. The total penalty of $70,000 was made up of a fine of $1500, including the victim fine surcharge, and payments of $30,000 to the Alberta Workers' Health Centre and $38,500 for health and safety in the culinary arts program at NAIT.

WORKPLACE FATALITIES

Investigated in Alberta

July 4 to September 8, 2009

Workplace Health and Safety investigates most work-related incident fatalities that fall under provincial jurisdiction. In general, highway traffic, farm, disease or heart attack fatalities are not investigated. In many cases, investigation into these fatalities is continuing. Final investigation reports are filed at the Alberta Government Library–Labour Building site and can be reviewed there or at employment.alberta.ca/SFW/781.html.

Year-to-date fatalities investigated in 2009 (as of September 8): 21

Fatalities investigated from January 1 to September 8, 2008: 15

Total fatalities investigated in 2008: 30

For further information about trends in workplace fatalities over time, please see the Occupational Fatalities in Alberta report: **employment.alberta.ca/documents/WHS/WHS-PUB_10yr_fatal.pdf.**

A 48-year-old male cementing supervisor on an oil well drilling location was found unresponsive just after he had examined the open mixing drum of a cement pumper machine.

An 18-year-old male contracted landscaper was walking behind a landscaper's truck, picking up traffic pylons, when a vehicle struck him and crushed him against the back of the landscaper's truck.

A 37-year-old male worker was on top of a five-metre construction wall when he lost his balance and fell. The worker did not have any fall protection in place and impaled himself on a re-bar.

A 61-year-old worker was found crushed by his forklift. The worker had been in front of the forklift, loading cement blocks onto a flatbed trailer. The forklift was running and parked on a slight incline without the emergency brake engaged, and it rolled forward.

A 46-year-old male worker, who was repairing a tire from a heavy hauler, was in the process of inflating the tire when the steel components came detached from the tire and struck the worker, pinning him against the service truck.

A 75-year-old male roofer fell 4.5 metres and landed on his head.

Return Undeliverable Canadian Addresses to:
CIRCULATION DEPARTMENT
Alberta Employment and Immigration
Occupational Health and Safety (Director's Office)
9th Floor, Labour Building
10808 - 99 Avenue, Edmonton, AB T5K 0G5
E-mail whs@gov.ab.ca

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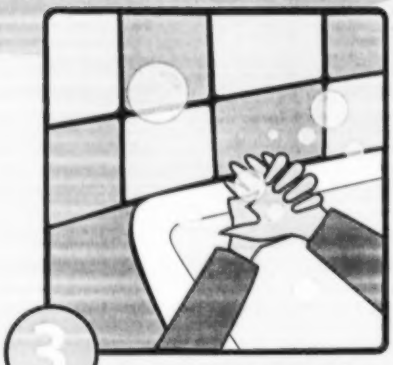
Don't take germs with you.
Wash your hands now!

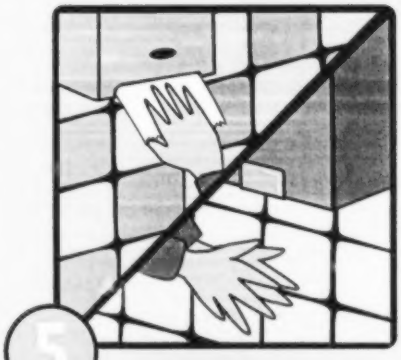
1 Wet your hands.

2 Put soap on your hands.



3 Rub all surfaces of your hands until you have a thick lather.

4 Rinse your hands in warm water.



5 Dry your hands with paper towels or a hand dryer.

6 Turn the tap off with a paper towel.

Alberta Health Services